

No. 13-56203

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CHARLES NICHOLS,

Appellant-Plaintiff,

v.

EDMUND G. BROWN, Jr., in his official capacity as Governor of California, KAMALA D. HARRIS, Attorney General, in her official capacity as Attorney General of California, CITY OF REDONDO BEACH, CITY OF REDONDO BEACH POLICE DEPARTMENT, CITY OF REDONDO BEACH POLICE CHIEF JOSEPH LEONARDI, and DOES 1 to 10,

Respondents-Defendants.

On Appeal from the United States District Court for the Central District of California, Case No. 2-cv-11-09916-SJO-SS
The Honorable S. James Otero, Judge

RESPONSE OF KAMALA D. HARRIS TO MOTION OF CRPA FOUNDATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF AND TO PARTICIPATE IN ORAL ARGUMENT

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Respondent Kamala D. Harris, California Attorney General (the “Attorney General”), submits the following response to the motion of CRPA Foundation (“CRPAF”) for leave to file a brief of amicus curiae and to participate in oral argument:

CRPAF, in its proffered amicus curiae brief, does not address the substantive issues of the present appeal. Instead, CRPAF makes two requests: one, that the appeal be stayed pending resolution of other appeals currently before the U.S. Court of Appeals, Ninth Circuit; and, two, that CRPAF be given the opportunity to file a further brief herein, following resolution of those other matters, as well as to present oral argument. The Attorney General opposes both requests, as explained below.

As to CRPAF’s request to stay the present appeal, CRPAF has failed to show any good cause for doing so. Although CRPAF asserts that other pending cases relate to the present case, CRPAF fails to explain why resolution of those proceedings will likely be dispositive of the present appeal, which concerns whether the district court abused its discretion in denying appellants’ motion for a preliminary injunction. *See Brief of Resp. Harris at 12 (Sept. 4, 2013).*

The Attorney General also opposes CRPAF’s request to file a subsequent brief on the merits following any possible stay. CRPAF elected not to brief any issue going to the merits within the time allotted for amicus curiae briefs, and that

time has now passed. Nothing in CRPAF's current presentation suggests that the organization is offering arguments with a particular bearing on the issues in this case not already covered by the parties, and there is no basis for granting CRPAF extraordinary relief from the ordinary briefing deadlines and a second chance to submit an amicus brief.

Dated: September 23, 2013

Respectfully submitted,

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DOUGLAS J. WOODS
Senior Assistant Attorney General
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/s/

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